Declassified Authority: NND 868091

NAVY DEPARTMENT

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Jan 1944
D'Amico

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Confidential

Refer
Serial No. 047.

UNITED STATES MARINE CORPS
OFFICE OF THE COMMANDING OFFICER
MARINE BARRACKS, NAVY NUMBER 128
c/o FLEET POST OFFICE
SAN FRANCISCO, CALIFORNIA

29 January 1944.

From: The Commanding Officer.
To : The Commandant, Navy Yard.

Subject: Incident occuring on 7 January, 1944 at Number 10, Midway Drive, Makalapa.

References: (a) Conf. Memorandum to Captain of the Yard from District Legal Officer, dated 20 January, 1944 and 1st endorsement thereon.
(b) Conf. Ltr. from SecNav., Confidential, P13-7, 83443, dated Jan., 1, 1943.
(c) Ltr. to Commanding Officer, Marine Barracks, from Major Foster H. Krug, USMCR, dated 29 Jan., 1944, with enclosures.
(d) Neuropsychiatrist report, dated 25 Jan., 1944.

Enclosures: (A) Reference (a).
(B) Reference (c).
(C) Reference (d).

1. Upon receipt of reference (a) the Commanding Officer, Marine Barracks, in compliance with reference (b), detailed Major Foster H. Krug, USMCR, to conduct a thorough inquiry into the circumstances connected with the subject incident. Also the assistance of a psychiatrist was sought.

2. The Commanding Officer has studied the reports submitted, by Major Krug and the Neuropsychiatrist, together with the statements enclosed with reference (a) i.e., enclosures (A), (B) and (C); and concludes that the information contained therein is too inconclusive and contradictory to make the determinations required by reference (b).

3. In view of the seriousness of the allegations contained in the enclosures and the fact that three (3) Naval Officers are implicated in the subject incident it is recommended that a Court of Inquiry or a Board of Investigation be ordered to determine the facts in connection with the incident.

J. W. WEBB.

- -

Copy to: The Commanding General, Marine Forces, Fourteenth Naval District.

- -

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14TH NAVAL DISTRICT
OFFICE OF COMMANDANT
c/o Fleet Post Office
San Francisco, California

P13/00/ND14

20 January 1944

CONFIDENTIAL

MEMORANDUM FOR THE CAPTAIN OF THE YARD

Lieutenant Commander Grier and Lieutenant Commander Tawes in my presence have identified Second Lieutenant James Joseph D'Amico, U. S. Marine Corps Reserve, attached to the Marine Barracks, Navy Yard, Pearl Harbor, as the man referred to as "Wiles". It is understood that Lieutenant Commander Richards will also identify him.

The enclosed statements are forwarded to the Captain of the Yard for your information.

Respectfully,

JAMES C. BIGLER
District Legal Officer

Enc. (Hw)
1. Statements of Lt. Comdr. Grier, Lt. Comdr. Tawes and Lt. Comdr. Richards concerning conduct of Lt. D'Amico on night of 7 January 1944.

1st End. 20 January 1944.

To Commanding Officer, Marine Barracks.

1. Forwarded for appropriate action.

J. Cal Byles Feb 2, 1944. J. Craven.

Drop it - No good evidence in view of psychiatrist's statement re D'Amico.

W.R. Furlong.

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CONFIDENTIAL

Statement of Lieutenant Commander Theodore G. Grier, made in the presence of Lt. Commander Baldwin, Lt. Commander Tawes and Lt. Colonel James C. Bigler.

13 January 1944.

1.Q. What is your name, rank and present station?
A. Lt. Comdr. Theodore G. Grier, Assistant Hull Planing Officer, Industrial Department, Navy Yard, Pearl Harbor.

2. Q. Whom do you want to make a report against?
A. Lt. Comdr. Richards, U.S.N.R.

3. Q. With reference to what date is this report made?
A. Last Friday night - January 7, 1944.

4. Q. At what time did you first see Richards on this date?
A. He came in the house at - oh, I estimate at about 8:00 or between 7:00 and 8:00.

5. Q. Was he alone?
A. No.

6. Q. Who was with him?
A. I was in the kitchen when he came in. I didn't see. He came in and went up stairs.

7.Q. Was there someone with him?
A. Yes.

8. Q. When did you first see who was with him?
A. When I went up stairs to see what was going on.

9. Q. What time was that?
A. A few minutes - maybe 10 minutes - after he came in.

10. Q. What caused you to inquire into his conduct up stairs at this time?
A. Well, Lt. Comdr. Tawes motioned to me - he's a little hard of hearing. I asked him if Richards came in. He said yes and pointed up stairs with two fingers.

11. Q. That would indicate that two people had come in and gone up stairs?
A. Yes.

12. Q. From previous conduct of Richards you considered this reason enough for you to investigate his conduct upstairs?
A. I felt it was my duty to know what was going on in the house.

13. Q. When you went up stairs and entered the room, what was the first thing you saw?
A. A Marine officer was holding Richards' two guns as if he had been examining them.

14. Q. What kind of guns were they?
A. One was a .38, I think, and the other a .45 - I don't know for sure.

15. Q. How was he holding them?
A. Just as though he was looking at them. He said, "I would

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take good care of that one". Then Richards seemed to be quite embarrassed and tried to introduce me. He called me "Tawes" and told this Marine that he had forgotten his name. I ignored the introduction and went on about my business and they went down stairs. I had a feeling that something was wrong.

16. Q. Did you see any apparent reason for Richards' embarrassment at the time?
A. No, except that he had been drinking. Both appeared as if they had been drinking.

17. Q. Were they in full control of their faculties?
A. Yes, I believe they were.

18. Q. There must have been some reason for their embarrassment. Can you give me any reason that you know?
A. I boss him around pretty much and he probably expected me to say something to him. I'm always after him about taking care of the house.

19. Q. With regard to the cleanliness of the house?
A. Yes.

20. Q. Where is your house?
A. Number 10, Midway Drive.

21. Q. Prior to this time, had you observed anything in Richards' conduct which would lead you to believe there was anything wrong?
A. Nothing in this respect, no.

22. Q. Nothing pointing to homosexual tendencies occurred at other times?
A. Nothing whatever.

23. Q. From the time these men came downstairs, what was your next contact?
A. I gathered up my clothing and went down the stairs to the kitchen by the other way - by the maid's space - and I heard them talking in the other room. Lt. Comdr. Tawes and Richards and this other man. I didn't pay any attention to them. Richards mixed a few drinks. I continued with my washing of my clothing. The conversation got loud and I noticed remarks about brass hats not winning the war.

24. Q. Who was making the remarks?
A. The Marine officer. He said Navy chiefs had to take over because when the shooting started the gold braid hunted for cover. I went in and told them - I hated to do it, I started in several times because I didn't like to interfer, but I finally went in. I told them I couldn't allow that conversation in the house. I said, "Disrespect to superior officers is cause for a general court martial". He started to argue about disrespect. I said, "I'm not going to argue with you. I'm simply giving you orders not to continue that conversation in this house".

25. Q. I realize this course of conversation covered a period of time, but it is not in line with the question in point. Following this altercation concerning this conversation regarding disrespect, what took place?

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A. After that I went back to the kitchen to finish my laundry. I left the three sitting on the sofa. They went on talking until later Lt. Comdr. Tawes went upstairs.

26. Q. Can you give me an idea of the interval of time?
A. It was around 10 minutes to 10:00 because I looked at my watch and noticed it was getting close to blackout time.

27. Q. At 10 minutes to 10:00, Tawes went upstairs?
A. He went up a little before that. I am positive it was 10 to 10 because Richards left the lights lit and I was thinking I'd have to turn them off.

28. Q. What was the next sequence of events concerning the question at point?
A. It was when Richards brought some sheets down to make the bed in the maid's room. I said, "Take them back upstairs. That officer is not staying here". He looked at me funny but didn't say a word. He took them back up the stairs and then came down and stood in the door. I said, "That's final. He is not staying in this house". Then he went upstairs. They were up there 15 or 20 minutes then the two of them went out. After they went out I went upstairs.

29. Q. After they went out, did they return?
A. No. I went upstairs to apologize to Commander Tawes about interfering in the conversation. Then he told me that he was glad I did and told me what had happened.

30. Q. Did they come back that night?
A. I estimate that it was about two hours later when Richards came back alone. As soon as I could I jumped him and I said right out I knew what had happened. So then he lay there in bed and sort of stared. And he said, "That may explain some things". I asked how long he had known this other man.

31. Q. I'm sorry but I see we will have to go back a little. What did the Commander report to you as being the course of conduct of the two officers?
A. He said he sat on the sofa downstairs. Then the man started running his hands over and between his legs. Then when he left and went upstairs, the two followed him upstairs and continued it.

32. Q. The Marine continued his advances?
A. Yes.

33. Q. Both of these fellows?
A. No, only the Marine. I don't know whether Richards was in the room or not.

34. Q. You informed Richards that Commander Tawes told you this?
A. Yes.

35. Q. What was his reply?
A. He sat there and stared and said, "Well, that may account for certain things". I asked how long he had known the Marine.

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He said he had just met him. He said he was the only one who would celebrate the Russian Christmas with him.

36. Q. Where had he met him?
A. He said at the Officers' Club at the bar. Then he said no, it wasn't at the Officers' Club bar but he didn't say where else. I didn't say any more, but he said all the time he was gone - about two hours - he had been walking and riding around trying to get rid of him all that time. He said they got in a car and rode to Pearl City then had walked around again trying to get rid of him. Then he left him and came on home.

37. Q. Where did he say that he had left him?
A. I believe he said at the Fire House.

38. Q. Is there anything else that you know about Richards that is going to be of any assistance to me?
A. Not in this respect, no.

39. Q. How long have you known Richards?
A. I came out here in June and I was sent down to the Ships' Superintendent's office for six weeks to get acquainted with the Yard. I saw him walking in and out of the office during this time but he has been out to the house only about two months. I never had anything to do with him. Never associated with him.

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CONFIDENTIAL

Statement of Lieutenant Commander Lynn Griffith Richards, U.S.N. made in the presence of Lieutenant Colonel J.C. Bigler, U.S.M.C.

13 January 1944.

1. Q. Are you Lieutenant Commander Lynn Griffith Richards, U.S.N.?
A. Yes.

2. Q. You live at number 10, Midway Drive?
A. I did.

3. Q. Do you know Lt. Comdr. Grier and Lt. Comdr. Tawes?
A. I do.

4. Q. Did you bring a Marine officer by the name of Wiles or something similar, to number 10 Midway, at about 2000 on Friday, January 7, 1944?
A. The name, I believe was Wilds.

5. Q. Where did you find this man?
A. At the Officers' Club.

6. Q. Do you know where he is attached?
A. I do not.

7. Q. What was his rank - first or second lieutenant?
A. I am not sure.

8. Q. What time did you first meet him?
A. It must have been about 7:00, at the Officers' Club.

9. Q. Where did you take him from the Officers' Club?
A. We walked right up home at Makalapa. I don't remember what time it was.

10. Q. What was the mutual basis of interest you had in each other that would lead you to take a stranger to your house?
A. We were celebrating Russian Christmas.

11. Q. Are you Russian?
A. No, sir.

12. Q. Was he?
A. I don't know. I had been in on some of the Russian Christmas celebrations by invitation out in China.

13. Q. You are an ex-enlisted man?
A. No, sir.

14. Q. Regular Navy?
A. Yes, sir.

15. Q. What class?
A. 1935.

16. Q. What years were you in China?
A. 38, 39 and 40.

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17. Q. I am interested in knowing where to dig up this fellow Wilds. I want to know all that you know about him.
A. He told me some very conflicting information in the course of the evening. It was about 2000 when we got home. We had a couple of drinks. Commander Grier took a dislike to him right away. I tried to get him out of the house. He seemed to appeal to Commander Tawes and Commander Tawes at that time tried to shush the whole thing up. The Marine told us several stories about Guadalcanal and Tarawa and Commander Tawes was very interested. Commander Grier stayed in the back room - in the kitchen.

18. Q. It has been reported that this man made untoward advances toward Commander Tawes, in that he handled his, Tawes, person, and approached him with what seemed, to all intents and purposes, lascivious intent. The thing is that you introduced him in the house and left with him. The charges are that this man handled Tawes' legs and thighs and private parts, that they occurred on three separate occasions - on the settee, in the bathroom, and in Tawes' bedroom - and that he asked both of you to get out. I want to know where this man is. I want to get hold of him and I want to be satisfied that you had no part of it. I am not accusing you; I realize that you can pick up someone like this very easily through no fault of your own, but why didn't you just knock the fellow down when he started messing around?
A. I didn't notice he was messing around. He didn't mess around with me. I asked him several times to leave the house, but Tawes seemed to want him to stay. Tawes is deaf and it's hard sometimes to know what he wants. I knew Grier wanted him out and I was trying to get him out of the house.

19. Q. How big is he?
A. I'd say he weighs about 175 pounds. He did grab me by the arm once when I was trying to go my way and get him to go his.

20. Q. Do you recall sitting on Tawes' bunk after he had retired?
A. I recall coming to the door and then sitting on the edge of the bunk trying to get this man to go out. I think I came back twice.

21. Q. I've got to have information on how to get hold of this baby. What can you tell me to help me find him?
A. I left him across the street from the Submarine Base gate. He headed for the gate. He said he was going to the Marine Barracks.

22. Q. Did he say he was on Tarawa?
A. Yes.

23. Q. Did he have the shoulder mark on his uniform - the alligator and three stars?
A. I didn't notice - but I don't believe he did.

24. Q. What kind of cap was he wearing?
A. Garrison.

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25. Q. You don't remember whether he was a first or second lieutenant?
A. I am not sure. I could identify him if I saw him. He spoke of having charge of the prisoners here at the brig, but I didn't put too much stock in that. I soon got the amount of walk that I was out for but he insisted on coming back with me. I didn't want to bring him back to that place with that Grier man there.

26. Q. Did he feed you a line of stories about being on Guadalcanal? Do you remember his saying anything about being hurt?
A. Yes, he said he had been shot in the little toe of the left foot.

27. Q. Did he limp?
A. No.

28. Q. Did any of these stories impress you as being grostesque and rambling?
A. Many of them, when I came to think about it, seemed pretty far fetched. At another time he said he had charge of the sentries and guards all along Kam Highway - along Kam highway from the T,nk Farm to the storage lot. He told me that the cantonment police came under him. I was trying to get rid of him.

29. Q. Do you know a Lieutenant Baal?
A. No.

30. Q. Did this fellow have a kind of baby face?
A. No, I wouldn't call it that. It was youngish - dark hair. He didn't have the round features of a baby face. He was young and good looking - not handsome, but good looking.

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CONFIDENTIAL

Statement of Lieutenant Commander George V. Tawes, U.S.N.R., made in the presence of Lt. Comdr. Baldwin, Lt. Comdr. Grier, and Lt. Colonel James C. Bigler.

13 January 1944.

1. Q. What is your name, rank and present station?
A. George V. Tawes, Lieutenant Commander, U. S. Naval Reserve, attached to the Captain of the Yard office.

At or about 8:00 p.m., or I should say 2000, on Friday, January 7, 1944, I was sitting on the settee in our living room with the radio on pretty loud on account of I can't hear very well. Lt. Comdr. Grier was in the kitchen doing some washing, or perhaps getting his meals ready. While listening to the radio, I saw an officer go upstairs. From my position I had a good view of the banister that leads up stairs. This officer I noticed was a stranger I had never seen before. Commander Grier came to me about two minutes after that and he said, "Is Richards in?" And I showed him two fingers to indicate that there were two who entered the house and went upstairs. He went up there and then he came back to the kitchen, followed a few minutes afterwards by Lt. Comdr. Richards and a Marine lieutenant who I was told was named Wiles -- that's the best I could make out of it. Commander Richards asked me if I would join them in a drink. I said, "Sure". I think we had two or three drinks.

While these drinks were going on we were standing up. The conversation led around to the war and the Marine began to tell of his experiences in the South Pacific. Then he said that the chief petty officers of the Navy were in charge of things and words to that effect, and if it weren't for the chief petty officers we'd all be sunk. Commander Grier apparently overheard this conversation for he came in and objected to the conversation and told this lieutenant to stop that kind of talking in this house. I couldn't get what the rest of the conversation was between them, but we all sat down on the settee. Then I asked the Marine officer how long he had been out this way. He said, "I have been in the South Pacific for the last 36 months and I've seen considerable fighting". I told him to tell us some of his experiences. Then he told me that one of his toes had been shot off. He said something concerning Commander Grier and pointed toward the kitchen and then looked at Commander Richards. I didn't get what the conversation was as I couldn't hear it very well. Then he called me "Pop". He said, "Pop, you could lead a company of Marines -- they would follow you." I said, "No, I guess I wouldn't be any good for that". So he went on to tell some more of his experiences and put his arm around my shoulders. I thought it was just the drinks. Then he went on to tell more experiences and rubbed his hand up and down my legs. I didn't say anything to that but then he began to rub his hand around between my legs around my so-and-so and I thought, "This looks bad". So after a few minutes more conversation I said I had to get up early in the morning. I said goodnight and that I had enjoyed their company and I went upstairs, put on my pajamas, took my tooth brush and went in the bathroom. I brushed my teeth and washed my face and turned

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around and saw an officer. I said, "Hello, Ted", then I suddenly realized that it wasn't Commander Grier but was this lieutenant who had come upstairs with Commander Richards. I said, "I thought you fellows had gone". I went to my room and the lieutenant got kind of close to me and rubbed my face against his. I said, "What the hell -- you fellows go on home now. Good night." I could have been mistaken all this time and I didn't want to make them feel bad. I went to bed and pulled the cover up over me and Commander Richards and the lieutenant sat on my bed and while I was laying there the lieutenant rubbed all around. I got up and I said, "Now you fellows go on home. I'm getting tired of this". The whole thing looked suspicious as hell to me. After talking a little then, the men finally left.

I might say now that just before they did leave I saw Commander Richards have some sheets in his hand and it looked like bed clothing. Commander Grier said something and then they left. After they had left, Commander Grier told me that the lieutenant was going to stay in the house - that Commander Richards was going to arrange a bed in the maid's room. I said, "Listen", I said, "that fellow is a queer" -- meaning the Marine lieutenant. His actions were not as they should be according to men.

2. Q. These three times when the Marine molested you, was Richards present each time?
A. Yes, he was sitting right there.

3. Q. Do you think he saw and knew what went on each time it happened?
A. This was Commander Richards' expression all the time - he was sitting on the settee with his face in his hands and wasn't saying a thing. He glanced furtively to right and left.

The following morning I said to Commander Richards, "Who was your friend?" He said that he had met him only the night before and met this officer at the Club. He never knew him before at all. So I left and went back to my duty. That night when I came back to the house I mentioned it to Commander Grier again and Commander Grier said he had been on the pistol range that day. He said what I had said concerning the Marine officer was true. He had met some Marine officers on the pistol range and the officers there said this man had a questionable character.

That's all I have to say.

The Marine officer that I had reference to was a nice looking fellow - no sissy talk at all - his voice was like any other man. He asked me how old I thought he was. I said, "24". He said he was 29. I would say he was around 5 feet, 8 inches tall. He was a dark complexioned man. He said that his people were French Polish, Spanish and Russian. He had black hair and a ruddy to dark complexion. He was a lieutenant - he had one bar, though I couldn't tell if it was gold or silver.

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Confidential

Subject: Inquiry in the case of Second Lieutenant James J. D'Amico, U.S. Marine Corps Reserve, report of. (Cont'd)

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4. Since the confidential letter from the Secretary of the Navy, P13-7, 83443, dated 1 January 1943, governs classification of proved homosexuals, Lieutenant James J. D'Amico cannot be fully classified under Class I or Class II of said letter at this time, but insofar as his conduct was offensive to and invaded the rights of privacy of another person he should be classified under Class I of said letter if conduct alone is to be considered.

FOSTER H. KRUG.

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Declassified Authority: NND 868091

Confidential

MARINE BARRACKS, NAVY YARD, PEARL HARBOR, TERRITORY OF HAWAII.

29 January, 1944.

From: Major Foster H. Krug, U.S. Marine Corps Reserve.
To : The Commanding Officer.

Subject: Inquiry in the case of Second Lieutenant James J. D'Amico, U.S. Marine Corps Reserve, report of.

References: (a) Commanding Officer's Confidential Ltr, Serial 043, dated 21 Jan 44.
(b) SecNav Confidential Ltr P13-7, 83443, dated 1 Jan 43.

Enclosures: (A) Statement of George V. Tawes, Lieutenant Commander, U.S. Naval Reserve.
(B) Statement of James J. D'Amico, Second Lieutenant, U.S. Marine Corps Reserve.
(C) Statement of Theodore G. Grier, Lieutenant Commander, U.S. Navy.
(D) Statement of Lynn G. Richards, Lieutenant Commander, U.S. Navy.
(E) Statement of Philip Cohen, Second Lieutenant, U.S. Marine Corps Reserve.
(F) Statement of Lloyd H. Peterson, Second Lieutenant, U.S. Marine Corps Reserve.

1. In compliance with reference (a), the findings of fact show James J. D'Amico, Second Lieutenant, U.S. Marine Corps Reserve, placed his hands around the shoulders, on the thighs and in the vicinity of the privates of George V. Tawes, Lieutenant Commander, U.S. Naval Reserve.

2. The conduct of Lieutenant D'Amico described in paragraph 1 of this letter occurred at or about 8:00 p.m. on Friday, January 7, 1944, at #10 Midway Drive, Naval Housing, Makalapa, Oahu, T.H.

3. Lieutenant D'Amico did not propose, attempt, or complete any act of homosexuality, at or about 8:00 p.m. on Friday, January 7, 1944, at #10 Midway Drive, but his conduct certainly indicates that he may be homosexual and his conduct did result in an offensive touching of the body and an invasion of the right of privacy of George V. Tawes, Lieutenant Commander, U.S. Naval Reserve.

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Enclosure (A) Statement of George V. Tawes, Lieutenant Commander, U.S. Naval Reserve.

Confidential

Declassified Authority: NND 868091

Statement by George V. Tawes, Lieutenant Commander, U.S. Naval Reserve made to Foster H. Krug, Major, U.S. Marine Corps Reserve.

1.Q. Will you state your name, rank, and present station?
A. George V. Tawes, Lt. Comdr., USNR, Temporarily at Pearl Harbor Hospital.

2.Q. Are you the Lt. Comdr. Tawes who made a statement at the legal office in Pearl Harbor involving a certain marine officer by the name of D'Amico?
A. Yes.

3.Q. Can you tell me about what date you made that statement?
A. About 13 January 1944.

4.Q. Do you recognize this piece of paper, that is, can you identify this statement?
A. Yes, I identify it as a statement I made on 13 January 1944 at the legal office.

5.Q. On January 7, 1944 where did you reside?
A. I resided at 10 Midway Drive, Makalapa Housing.

6.Q. On January 7, 1944, were you at home?
A. Yes.

7.Q. About what time was it that you were home?
A. I must have gotten in the house about seven that evening?

8.Q. Did you leave the house after that time?
A. Not until the following morning until I returned to my duties.

9.Q. Did anything unusual occur there that evening?
A. Just what I have stated in my statement.

10.Q. Will you relate what took place in your home and what you did from the time you got in until you retired for the evening?
A. Between 7:00 and 8:00 p.m. I was sitting on the settee listening to the radio at 10 Midway Drive, Makalapa Housing. I thought I heard a door slam at that time and there was an officer, I didn't see Richards come in but saw an officer who looked over the bannister at me and smiled and then continued on up the stairs. Of course I had every reason to believe that Lt. Comdr. Richards had arrived with another officer. About two minutes after they had gone upstairs, Lt. Comdr. Grier who was in the kitchen busy at something came to me and asked if Richards had arrived yet. I pointed up two fingers and shook my head indicating that two had arrived. He went upstairs in a few minutes by himself and then almost immediately afterwards down came Comdr. Richards and this Marine officer. Of course I stood up as Comdr. Richards was introducing the officer to me and said that this man was Wilde, or some name similar to that.

11.Q. Did you at a later date identify this officer by some other name?
A. Yes.

Enclosure (A)

Confidential

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12.Q. Do you remember that name?
A. Not at the moment.

13.Q. Was that name D'Amico?
A. Yes, I believe it was.

14.Q. Did you later identify this man known as Wilde in the legal office as D'Amico?
A. Yes.

15.Q. After you had been introduced to the marine officer what took place?
A. Comdr. Richards had a bottle of liquor and asked me if I wouldn't join them and I said sure. We had a couple of drinks during our conversation and then the conversation led to what this officer had been doing in the past and he told me that he was on some island fighting. Then he began to tell that the chief petty officers were really running the Navy and that the brass hats were out of it. He related how a chief had taken over when some of the commissioned officers had failed. Comdr. Grier, who was in the kitchen, came in and interrupted the conversation by stating that he didn't want that kind of conversation in the house, and further, that he wasn't going to stand for it. Of course we were standing at the time, the three of us together. The marine officer stated that he didn't think that he had said anything wrong. He said he was sorry and so Richards said come on and we'll go out. The marine officer said he did not want to go out. So then I sat down on the settee by the radio which I had turned down to low, almost off so as to hear their conversation. There were several remarks passed but I couldn't hear them. Nevertheless I said to the marine officer, "Why don't you go apologize to Comdr. Grier, I am sure that he will accept your apology." The Lieutenant said he didn't feel he should do that. I felt embarrassed of course and in order to change the conversation to something interesting I asked him where he had been and what he had been doing. He told me that he had been shot at and how his men had followed him in the jungles and how he had gotten his left toe shot off. At quite frequent intervals he would break off suddenly and rub his hand down my leg and in the region of my privates. On several occasions he would touch me with his hands in between my legs. I thought perhaps it was accidental until it got too realistic and then thought to myself that I had better go to bed. After telling the marine officer goodnight and that I had to get up early in the morning - I believe it must have been about 9:00 p.m. or perhaps a little after. Then in saying goodnight he rubbed his face against mine. I didn't take offense, thought it was just one of those things they might do at parties but still felt rather suspicious. I went upstairs, put on my pajamas, washed, scrubbed my teeth, and had shut off the spigot when I saw an officer and believing that it was Lt. Comdr. Grier, said "Hello, Ted." It turned out to be the marine officer and Lt. Comdr. Richards both looking at me. Then I walked in my room and was followed by the two officers, D'Amico and Richards. While in the room before I got into bed D'Amico rubbed his hands here (indicating groin and privates).

16.Q. Was that through the clothing?
A. Yes.

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17.Q. At no time were you exposed?
A. No.

18.Q. During this episode, at any time did you have an erection?
A. No, I was getting mad. I told these two officers to go on now and that I was going to bed. They stood by the door and I got into bed and pulled the sheet and blanket over myself. When I did so, they both sat on the edge of the bed. The marine officer rubbed his hands over me but never put his hands under the blanket.

19.Q. Was he going over your body through the blanket?
A. Yes, over my stomach and neck. I got sore then and told them both to get out and go on their way. Then of course this Lieutenant again shook hands with me.

20.Q. Was the room dark at that time?
A. Yes, it was rather dark.

21.Q. After the Lieutenant again shook hands with you did anything else occur?
A. Yes, he put his arm on my body and rubbed his hand again on my penis. I was getting really mad about this time and finally they did leave. After they had gone Comdr. Grier came by the door and we started a conversation concerning all this. I told Comdr. Grier that the marine officer was a "queer" guy, and also said "what do you know about having a fellow like that around here, I am not going to have any queer guys around this house." We talked about the events of the evening and I thought perhaps I wouldn't be able to get to sleep but as it happened I was able to.

22.Q. Had you ever seen this marine officer, whom you have since identified as D'Amico, before?
A. No, I have only seen him twice.

23.Q. Did he ever tell you that his name was Wilde?
A. Yes, on a number of occasions he told me his name was Wilde or Wildo, or some similar name.

24.Q. Did he want you to come and see him at the Marine Barracks or did he say where he lived?
A. About all I could get was he lived where they kept the captured Japanese.

25.Q. Did you form a definite opinion about Lieutenant D'Amico?
A. I may say that I did.

26.Q. What was that opinion?
A. My opinion was that he was "queer."

27.Q. By "queer," you mean of a homosexual nature, that is that he preferred men to women?
A. Yes. I would call him a "fairy."

28.Q. You stated that the three of you sat together on the sofa after Richards and D'Amico came downstairs. Is that correct?
A. Yes.

29.Q. Was there any particular reason for you all to be

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seated on the sofa when there were other chairs available?
A. I can't understand why it turned out that way because I usually sit there right alongside the radio and I sat down first and D'Amico sat down alongside me and Richards came and sat down beside D'Amico and there were plenty of chairs.

30.Q. What was your feeling when they sat down there with you on that small sofa?
A. There was a table in front of the settee and on the table was whiskey and the glasses and that may have been the reason for this.

31.Q. How long have you lived at your present residence?
A. Since about the last week of November, 1943.

32.Q. Was Lt. Comdr. Richards residing there then?
A. Yes, up until the 7th of January.

33.Q. Were Comdr. Grier, Comdr. Richards and yourself living there continuously?
A. Yes.

34.Q. Therefore, around the home you saw quite a good deal of Lt. Comdr. Richards?
A. Yes, we were well acquainted and he has had officers there before but none of them ever acted like D'Amico.

35.Q. Were you ever at anytime suspicious of Lt. Comdr. Richards in regard to his being of a homosexual nature?
A. No, he appeared to me to be a normal officer.

36.Q. Did you observe his actions and attitude toward D'Amico?
A. Yes, there was nothing abnormal.

37.Q. Have you ever formed an opinion of Comdr. Richards in any respect?
A. Only that I used to think he could be a little neater but nothing else.

38.Q. You never saw any action on his part to lead you to believe that he was "queer?"
A. Absolutely not.

39.Q. Did you order D'Amico out of the house when he first started feeling around you?
A. No. I still didn't like to let him think I was thinking that way and particularly because Richards was of equal rank and I didn't believe it would be the nice thing to do to order him out of the house. Richards could have seen his actions and should have ordered him out of the house himself.

40.Q. Did you see Comdr. Richards with anything that appeared to be bed clothing?
A. Yes. He was going to make a bed up for the marine officer in the maids room. When they were in the house Richards wanted him to go out and the marine officer didn't want to go and when I was going to bed said something concerning staying overnight and later Richards mentioned the officer staying over for the night, that was before I left to go upstairs. A few minutes later Richards went into his room to get some bed clothing to

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make up the bed down below. Grier told him there were rules against that and that he couldn't allow the officer to spend the night in the house.

41.Q. Did you notice on January 7, 1944, whether or not D'Amico had been drinking when he first entered the house.
A. He didn't show signs of having been drinking but Richards said that he had met D'Amico down at the officer's club. Previous to this Richards said he was going to celebrate Russian New Years, so when I saw him with this officer who looked as though he might be of the cescent that might be celebrating the holiday I just figured they were both celebrating.

42.Q. Did you hear D'Amico make any statement concerning his duties?
A. If he did I don't remember anything of that sort.

43.Q. Did you hear D'Amico make any statement in regard to where he had done duty?
A. No, just in the jungles or on some island.

44.Q. Did he say that he had a toe shot off in action?
A. Yes.

45.Q. Did he say where that action took place?
A. I just remember him saying in the jungles with the marines. I believe he said Tarawa but I am not certain.

46.Q. Did you hear D'Amico state his name was something other than D'Amico?
A. Yes, he never mentioned the name of D'Amico at all.

47.Q. What name did he mention?
A. I got it several times. It was Wilde, Wilder, or Wildo.

48.Q. About how many drinks had you had?
A. I couldn't say exactly but would say that we all had about two or three each except D'Amico who had one drink and didn't completely finish that one.

49.Q. What time did Richards return that night after he left with D'Amico?
A. I don't know exactly but believe about midnight. I heard Richards and Grier talking and picked up a few words to the effect that Richards and D'Amico had been to Pearl City and here and there. The next morning Grier told me Richards had told a strange story in regard to where he had been.

50.Q. Did D'Amico say how long he had been in the area?
A. Yes, I am sure he said thirty months because I asked him again to make sure that I had heard correctly.

51.Q. Is there anything you would like to add in regard to this incident?
A. Yes. I would like to say that you must bear in mind that I didn't deliberately make any charge but I was left with the opinion I have given of D'Amico and that opinion could be wrong. I am rather old and been along the line and I am quite surprised to have a man approach me at my age.

52.Q. You are certain beyond a doubt that D'Amico played around as you have mentioned?
A. Yes, I am. Even while standing in conversation he would

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rub his hands around me. I think the man should be put under observation.

53.Q. Did D'Amico at anytime call you any pet names?
A. Yes, he called me "pop" several times and kept slapping me on the legs above the knees.

54.Q. Do you desire to mention anything else concerning this case at the present time?
A. I believe that is about all there was.

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Enclosure (B) Statement of James J. D'Amico, Second Lieutenant, U.S. Marine Corps Reserve.

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QUESTIONING OF LT. JAMES J. D'AMICO, U.S.M.C.R.
by
MAJOR, F.H. KRUG, U.S.M.C.R.

The investigating officer explained to Lt. D'Amico his rights, as follows:

1.Q. "It is my duty to warn you at this time of your rights in this investigation. If your reply to questions asked would tend to incriminate, you need not answere the question. If you do answer any questions or make any statements or offer any information, any or all of it may be used for or against you in the event there is a trial or any other proceeding concerning the subject matter of this investigation. Do you fully understand your rights?
A. Yes.

2.Q. Do you still wish to make a statement?
A. Yes.

3.Q. Will you state your name, rank, and present station?
A. James J. D'Amico, second lieutenant, USMCR, Co., "C", Marine Barracks, Navy Yard, Pearl Harbor, T.H.

4.Q. How long have you been in the service?
A. Exactly one year today.

5.Q. On or about January 13, 1944 were you called to the Legal Office in Pearl Harbor?
A. Yes, I believe that was the date.

6.Q. What was the purpose of your being called to the Legal Office?
A. They let me read some accusations that three Lt. Comdrs. had made against me concerning events that took place the night of January 7, 1944.

7.Q. Have you read over those statements?
A. Yes, I have but not to fully.

8.Q. Would you like to take the time now to read them over?
A. Yes, I would like to.

There was a twenty minute recess during which time Lt D'Amico read over the statements.

9.Q. Where were you after you completed your duties on the afternoon of January 7, 1944.
A. I went to my quarters, cleaned up and went down to the Officer's Club.

10.Q. About what time did you reach the club?
A. I got to the club about 3.30 p.m.

11.Q. Did you meet anyone in the club?
A. Later in the evening I met Lt. Comdr. Richards. I didn't know him by name though.

12.Q. Did you introduce yourself to him?
A. No, he approached me and started the conversation and I didn't introduce myself nor did he.

13.Q. Had you been drinking there?
A. I was drinking beer.

14.Q. About how many bottles?
A. I had drank about six or seven.

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15.Q. Were you intoxicated?
A. I was feeling good but I knew what was going on and just felt in high spirits.

16.Q. Did you at anytime tell him what your name was?
A. No.

17.Q. Did you ever give him a fictitious name?
A. No.

18.Q. Where did he get the idea your name was Wildes, Wilde, or Wildo?
A. I don't recall.

19.Q. Later on in the evening the evidence shows that Comdr. Richards introduced you to some other people using the name of Wildes. Why did you not correct him?
A. He didn't introduce me as Wildes. I did make a statement about a wild man though.

20.Q. Will you tell me just what happened in the club and go on in the sequence of events from the time you met Comdr. Richards?
A. I was standing beside the paino listening to some of the officers playing and singing and had a bottle of beer in my hand and he approached me and told me he was celebrating Russian Christmas. I said something like that it was the Russian or Orthodox Christmas. He never did introduce himself, in fact I never got to know his name until the second meeting. He asked me to have a drink and celebrate Christmas with him. Well I had occasions in the past to visit friends on this Christmas and had celebrated it at home. I figured that I had just as well celebrate with him but I didn't actually want to go until he insisted. We left and went up to the house and before we got there he mentioned having a couple of firearms and I said I would like to see the pistols. We went to the quarters where he lived and I wasn't familiar with the area. We got there and went straight upstairs and into his room and he got these two pistols out, and one was a .38 caliber and one was a .45 caliber. One of the pistols had a beautiful handle and I told him that I liked that and I noticed that it showed signs of rust and said it was a shame that it couldn't be taken care of better.

21.Q. Was there any reason why you went directly upstairs?
A. Richards led the way and was going to show me the pistols.

22.Q. Did you see anyone in the house when you first went in?
A. No.

23.Q. Did anything else occur in the room upstairs at that time?
A. Yes, about that time a man came upstairs into the room and was wearing a shirt and didn't have his insignia of rank and was making a bed. This man I have since learned was Lt. Comdr. Grier. Richards was trying to introduce me to the man.

24.Q. At this point by what name did Comdr. Richards introduce you to Comdr. Grier?
A. I didn't quite get it but it was something like Wildes or Wilde.

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25.Q. Did you correct him?
A. No.

26.Q. Why did you not correct him?
A. Well I figured that since I didn't know his name and he didn't know the other man that I just didn't know what was what.

27.Q. What do you mean by "What was what."
A. It was strange he didn't know who Grier was. He may have known him but didn't give his correct name.

28.Q. Isn't it a fact that you wanted to keep your real name a secret?
A. No sir. I had made the remark about a wild man D'Amico. At that time I had read in the paper about a boxer named D'Amico and they called him "Wild man D'Amico."

29.Q. Have you ever taken part in any combat engagements?
A. No sir.

30.Q. Did you notice any feeling that Grier disliked you?
A. Yes, I noticed that this man took a dislike to me immediately, why, I don't know.

31.Q. Was he introduced to you as Comdr. Grier?
A. No.

32.Q. Do you recall what name that was used?
A. No.

33.Q. Was that name Tawes?
A. I don't recall.

34.Q. After Comdr. Grier came into the room what happened?
A. I believe we went downstairs and went in to the kitchen. We sat down there and he brought out some Christmas boxes he said were from his wife and he opened them and showed them to me. I believe one of the gifts was a pipe. From there we went into the front room and there was an officer there whom I later learned to be Lt. Comdr. Tawes although I wasn't introduced to him at the time. We sat down on the couch and Tawes was on my right and Richards on my left during the evening.

35.Q. Were there other chairs in the room?
A. I don't recall.

36.Q. You mean the couch was the only piece of furniture to sit on in the room?
A. There may have been other chairs but I don't recall. There was a tray like table in front of the couch.

37.Q. What reason did you have for sitting on the couch?
A. It was more convenient for the liquor. From then on I don't remember the conversation exactly but I was relating incidents, true incidents, that friends of mine had related to me. On the way to the house I would go to Comdr. Richards' left and he said something sarcastic such as "These darn marines have too much discipline." I could see that Comdr. Grier had taken a dislike to me at the first for no reason at all when I was looking over the pistols and he came up. I noticed at that time that Richards had a fear of Grier and so

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I asked Richards what he was but Richards would just nod his head and wouldn't tell me what rank he was or who he was.

38.Q. Did you not use your own name in relating the incidents you have mentioned?
A. No sir.

39.Q. Did you tell Comdr. Tawes and Richards that you were at Guadalcanal?
A. Yes, but it was just to be emphatic and to brag about the Marine Corps and to keep them from asking questions.

40.Q. When Comdr. Richards was commenting on too much discipline in the Marine Corps when you attempted to walk to his left, don't you think he was more or less just trying to be a good fellow?
A. Yes, that is possible.

41.Q. What is your general attitude toward Comdr. Richards?
A. He seemed odd in many respects but seemed to be a pretty good fellow and was just being friendly.

42.Q. When you say "odd", what do you mean by that?
A. He had a few drinks in him and just his actions.

43.Q. What do you mean by his actions?
A. The way he spoke, he more or less philosophized.

44.Q. Did you believe he was of a homosexual nature?
A. No, I wouldn't say that.

45.Q. Did he make any advances towards you in a lascivious manner?
A. No, none whatsoever. There was no mention of anything of that nature.

46.Q. Did you make any such approaches toward him?
A. No sir.

47.Q. Are you sure there were no lascivious approaches made by either of you?
A. Yes sir, I am sure.

48.Q. Are you sure that Comdr. Grier could hear or see the three of you talking in the living room?
A. Yes. Comdr. Grier was in the kitchen scrubbing clothes and could see us if he wanted to because the kitchen was directly in line with the couch. Richards told me Tawes was hard of hearing in one ear so I spoke loud and wanted to make sure Grier could hear me.

49.Q. Do you recall what Grier said to you when he came out of the kitchen?
A. I believe he said something like he could have me court martialed for language like that. I asked him who he was and what was his rank. He said for me to never mind who he was and for me not to make remarks like that.

50.Q. Did anyone introduce you to Grier or Tawes at that time?
A. No sir.

51.Q. After Grier went back in the kitchen what did you talk about?

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A. Tawes seemed to be of a very likeable and congenial nature treating me like a father would a son. He told me that he had a son old enough for the service and I told him that he must be old enough to be my dad so I would call him "pop." Then I called him pop for the rest of the evening.

52.Q. Whenever you were sitting close to Comdr. Tawes did you put your hands on him at anytime?
A. I think I did but only on the arm and shoulder and perhaps on his leg just above the knee. Unconsciously I may have touched Comdr. Tawes where he stated but not intentionally.

53.Q. What purpose would Comdr. Tawes, whom you have testified to be very friendly and likeable person, in making such a statement if it were not true?
A. I don't know. He didn't make any objections and I know I would have slapped any man down if they were doing anything like that. I think any normal man would get rid of anyone that tried anything like that.

54.Q. Do you consider these normal actions of a man to touch another man like that?
A. No sir. Everytime I would reach over to get a drink I almost couldn't help touching him on the shoulder or leg, accidentally that is.

55.Q. Why would he say that you began to rub your hands between his legs and around his so and so. Furhter, that from the appearance, manner, and what I have heard about Comdr. Tawes that he appears to be beyond reproach in truthfulness and matters of that nature. I want to know why Comdr. Tawes would make a statement as he has unless it were true?
A. I do not understand it at all.

56.Q. At about what time did you first arrive at Comdr. Richards' quarters?
A. I believe it was about 7:30 or 8 p.m.

57.Q. Did you have anything to drink in the living room?
A. When we were in the living room we had several drinks with Tawes and I kept noticing Richards acting peculiar as though he were afraid of Grier.

58.Q. Did Comdr. Grier ever ask you to leave the house?
A. I believe he did when he said I was talking disrespectful of senior officers but neither Tawes or Richards said anything about it. Before this Tewes said I could spend the night there and I said no that I was going back to the barracks and that I had a good sack at the barracks in the Navy Yard. I believe Grier had already made the remark that I wasn't going to spend the night in the house before Tawes went upstairs.

59.Q. Did you see Comdr. Richards with any sheets in his hands at anytime?
A. No, I saw Comdr. Grier with sheets in his hands while we were upstairs looking at the pistols.

60.Q. You didn't see Comdr. Richards with sheets in his hands at anytime when he started making a bed in the maids room?
A. No sir, but he could have had the sheets and I may have been looking out the front door and had my back to him at the time.

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61.Q. Did you definitely state that you did not want to spend the night there?
A. Yes sir.

62.Q. Did you go upstairs after you had said goodnight to Tawes and he left to go to bed?
A. Yes. After Tawes had gone upstairs I told Richards that I was going home and he said he would walk with me. I asked him to wait a minute that I was going to the head. I then went upstairs and I believe Richards followed me.

63.Q. You went upstairs of your own accord, is that correct?
A. I don't recall exactly but Richards either followed me or led the way one.

64.Q. Isn't it true that you said you wanted to say goodnight to "pop" once more?
A. No sir.

65.Q. After you got upstairs what did you do?
A. I went into the bathroom and I believe Tawes was brushing his teeth or something. He left and I used the head for a moment.

66.Q. You went upstairs and saw Comdr. Tawes in the bathroom. Is that correct?
A. Yes.

67.Q. Did anything happen in the bathroom?
A. We may have had some short conversation but I can't recall just what it was.

68.Q. Are you sure that was all that happened?
A. Yes.

69.Q. Did you put your hands over his body and on his privates and rub your face against his?
A. I did no such thing. His back was toward me the whole time we were in the bathroom.

70.Q. How long were you together in the bathroom?
A. Just a moment or two. He was scrubbing his teeth and went out in a hurry and I urinated and left the bathroom. Then I said to Richards, "Let's go in and say goodnight to "pop" once more."

71.Q. Comdr. Tawes then went into his room after leaving the bathroom?
A. Yes, I presume he did.

72.Q. Then you went into his room?
A. Yes and he was laying on his bed and I sat down on the edge of the bed and Richards sat down on the other side of Tawes.

73.Q. What was the conversation at that time?
A. I don't recall.

74.Q. What was Richards position when he was sitting on the bed?
A. I don't recall.

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75.Q. Did you see Comdr. Richards with his elbows on his knees with his head in his hands and leaning over?
A. No sir.

76.Q. You cannot recall any conversation at all at the time you were sitting on Comdr. Tawes' bed?
A. We must have had some conversation but I can't recall it just now.

77.Q. In Comdr. Tawes statement he said that he went to his room and that you followed him and go kind of close to him and that he didn't want to make you and Richards feel bad but after he had gotten in bed he finally asked you and Richards why in the hell you didn't go home. Do you recall him telling you to go home and that he was getting tired of this messing around?
A. No sir, I don't. Tawes was sarcastic at no time that I noticed.

78.Q. What was the lighting condition in that room?
A. There was a light on. We weren't in the dark.

79.Q. There was a light on? How bright was that light?
A. I don't recall how bright it was.

80.Q. Could you identify persons in the room?
A. Yessir.

81.Q. Did you leave the house after saying goodnight to Tawes again?
A. Yes, both Richards and I left the room and stopped at the door and Richards asked me if I knew the way to the main gate. I said I wasn't sure but thought I did and he said he would show me the way. I had never been in the area before. Somehow or other he hailed an army truck.

82.Q. Do you know where this was?
A. No sir.

83.Q. Do you know about what time it was?
A. I believe somewhere between 9:00 and 10:00 p.m.

84.Q. What happened after you and Richards got into the truck?
A. We rode for five or ten minutes, maybe longer and I said that this wasn't the way I wanted to go.

85.Q. Do you have any idea what direction you were going?
A. Not for sure but believe it was the opposite direction of Honolulu. I told him this wasn't the way I wanted to go and that I wanted to go to the marine barracks. I felt I needed a little air after the drinks so stopped the driver to let us off and we were walking back and on the way back, we had come in the truck. I didn't know the area well enough so I asked Richards how to get back to the main gate and he told me it was back the other way again. I then told him that that was the place I wanted to go, the Main Gate. We then started walking back and he led all the way. He headed up toward some range wanting to show me the range and I told him I didn't want to see the range as it was too dark.

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86.Q. Did he give any reason why he wanted to go to the range?
A. No. In the course of his conversation he did say something pertaining to his duty at the range.

87.Q. Did he mention his duties at all specifically?
A. I don't recall about his duties. I didn't know where he was located and didn't even know his name at that time.

88.Q. In regard to this pistol range at Makalapa. Have you ever been there?
A. No sir. I don't recall being on that range at all.

89.Q. You were not out there with a full lieutenant in the Navy watching them fire?
A. No sir, I don't even know where this range is located. The only range I have been on here was on duty at the rifle range.

90.Q. Are you certain that you have never been on the Makalapa pistol range?
A. Yes I am sure that I haven't been on that range unless I was dead drunk some afternoon.

91.Q. Were you ever dead drunk any afternoon?
A. No sir.

92.Q. Since it was too dark to go to the range, where did you go?
A. I don't recall where we went but we talked about my duties after he had asked me and I told him I would stand an officer of the guard watch now and then and went around checking on sentries. He asked me then if I knew how to get home from there and I told him I did. It was near where he lived and he told me how to get to the main gate and then he decided to walk with me a while longer and we came to the sub-base gate and went through I knew for sure where I was then so went on up the highway and went home.

93.Q. In Comdr. Richards' statement he mentioned several times that you wanted to return to the house and say goodnight once more to "pop". Is that correct?
A. No. I did not want to go back to that house, I didn't even think of going back.

94.Q. Comdr. Richards' also mentioned wanting to get rid of you. Did you notice this?
A. No sir. If he had wanted to get rid of me he could have easily enough. I wasn't following him around.

95.Q. Were you trying to get rid of him during the evening or was he trying to get rid of you?
A. Neither one.

96.Q. Did he mention what range he wanted you to see?
A. No, that is when I wanted to leave.

97.Q. About what time was this?
A. I don't recall the time it might have been about two hours after we left the house. We were just walking around.

98.Q. Did anything else happen to you at all?
A. No sir.

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99.Q. Isn't it a fact that you were in another car during the evening, that is, didn't you ride in two cars during the evening?
A. No sir. I only recall one car.

100.Q. How many drinks had you in the house?
A. I don't remember how many but had several that were straight. It was powerful stuff.

101.Q. You didn't mix water with your drinks?
A. I don't recall but it was strong and I very seldom drink whiskey. I really don't recall anything definite that occurred after we left, that is, about where we went and about what we talked. I have no definite recollection of everything that took place because of the whiskey we drank. I was a bit intoxicated. My mind was rather hazy about where we were and I was not familiar with the area.

102.Q. I asked you before if any lascivious approach had been made on you by Comdr. Richards and you answered no. Were you so intoxicated that if a lascivious attempt or attack on your person were made that you would be unable to recall it?
A. No sir. I wasn't in that condition.

103.Q. Were you so intoxicated that if you attempted to approach Comdr. Richards in a lascivious manner you could not remember it?
A. No, I wasn't so drunk that I could not recall any of my actions. I would recall anything like that. I wasn't staggering drunk and would have recognized any action like that. It was just the normal conversation and where we were all the time that I am not sure of.

104.Q. Did you make a statement you had a toe shot off in action?
A. I related an incident where snipers shot at a friend of mine and hit him on the toe.

105.Q. Did you say that it was you that had been shot and hit on the toe?
A. Yes.

106.Q. Did you make that statement?
A. I was speaking of the various incidents and to make it look real and I was just boasting about the Marine Corps I said that I was the one that had the toe shot off.

107.Q. Did you say that you had charge of the Japanese prisoners at this barracks?
A. No sir.

108.Q. What did you say about the prisoners?
A. I made the remark about duty here and that in the brig we had some Japanese prisoners but that is all.

109.Q. Did you meet Comdr. Richards at a later date?
A. Yes.

110.Q. Do you recall that date?
A. No sir, but believe it was a little better than a week after I had met the Comdr. on 7 January 1944.

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111.Q. Do you recall what time of the day this way?
A. Yes, it was about 4:30 at the officer's club.

112.Q. What took place there?
A. I wasn't with him, he was there when I first saw him and didn't recognize me and he was ordering a whiskey and I wondered what was his hurry and figured that he wanted to get a drink or two before closing time. I was drinking beer and had probably been there for about an hour. Comdr. Richards started playing the machines and he was jumping from one machine to another and I asked him why he didn't stick to one machine. I was standing around there watching him play until about closing time and he wanted another drink and I said come on over to my house and on the way over he showed me a slip of paper where he was told to move out of the quarters where he had been living and that was the first time I learned his name. We went over to the house and got the bottle where it was laying beside my sack and went into the kitchen, got a glass and poured some whiskey in the glass and Richards wanted it straight. About that time Lt. Pflepsen came in and I introduced Comdr. Richards to Lt. Pflepsen. We were in there about five minutes and went out and I asked Richards if he knew how to get to the main gate and he said he did. I walked along with him and in walking along we came by BOQ No. 3 and he said we didn't have a sentry posted there anymore. I asked how he knew and he said he knew they were having Japanese working there under guard. I walked outside the main gate and just before we parted he made the remark that Grier was making Tawes talk and I asked what he was talking about and then he said they called him in to make some statements also. It was right about that time that we parted.

113.Q. What did you think when Richards said Grier made Tawes talk?
A. I thought he was referring to what Grier stated in regard to having me court martialed for talking disrespectful of a senior officer.

114.Q. Didn't Grier hear you refer to the naval officers as "brass hats"?
A. I believe I said "gold braid" instead of "brass hats."

115.Q. Therefore, was it necessary to have Tawes talk on that particular subject?
A. Yes, he was there when I was speaking about them. Grier was in the kitchen and I thought he would have Tawes verify my statements.

116.Q. Didn't you know what Richards meant when he said Tawes was talking?
A. No.

117.Q. You had no idea he was talking about advances alleged to have been made on his person?
A. No sir. When he mentioned that about Grier making Tawes talk and I asked him what he meant he kept evading and answer but finally he said Grier was making Tawes talk about "queerism."

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118.Q. Did you know what was meant by "queerism"?
A. Yes.

119.Q. You stated that this happened about a week after you were over to Comdr. Richards quarters on January 7, 1944. Is that correct?
A. It was more than a week after I first met him.

120.Q. After refreshing your mind by the calendar can you give about the date you met Richards again?
A. As close as I can say is that it was a few days before the 19th.

121.Q. On the 19th, which was last Wednesday, did you not come in the mess hall and tell me you wanted to talk to me and later on in the morning did you talk to me?
A. Yes sir.

122.Q. Do you recall what you said?
A. Yes, I said I thought I was going to be court martialed for these statements.

123.Q. What statements are you referring to?
A. Those I made about being disrespectful in speaking of senior officers and you wanted to know what else.

124.Q. You didn't mention that it could possibly be of a homosexual nature did you?
A. No sir.

125.Q. Did I ask you specifically if there was anything else?
A. Yes.

126.Q. And yet you knew something about this might be brought in?
A. Yes, but just a vague thought.

127.Q. Why did you not tell me that there was more to this case at that time?
A. It would have been rather embarrassing and I didn't think I should mention them at the time.

128.Q. What did you think when Comdr. Richards mentioned "queerism"?
A. I didn't know whether the charges were against him or just what it was.

129.Q. Did you know immediately after you left Comdr. Richards that he called the legal office and reported that he knew where you resided and that he could identify you?
A. No sir I didn't.

130.Q. Did you see anyone from the legal office after this?
A. I got a call from the company office to appear there Wednesday morning.

131.Q. Is there anything that you would like to mention at this time concerning this incident?
A. No sir, I believe that is all.

Declassified Authority: NND 868091

Enclosure (C) Statement of Theodore G. Grier, Lieutenant Commander, U.S. Navy.

Declassified Authority: NND 868091

Confidential

QUESTIONING OF LT. COMDR. THEODORE G. GRIER, U.S.N.
by
MAJOR, F.H. KRUG, U.S.M.C.R.

1.Q. Will you state your name, rank, and present station?
A. Theodore G. Grier, Lt. Comdr., USN, Industrial Dep't., Planning Section.

2.Q. Are you the Lt. Comdr. who made a statement in regard to a Lt. Comdr. Richards?
A. Yes.

3.Q. In that statement did you involve a Marine Officer known as Lt. D'Amico?
A. I understood his name to be either Wilde, Wildo, or Wilder, but the man was later identified as Lt. D'Amico.

4.Q. Have you seen D'Amico since this incident occurred?
A. I identified him at the Legal Office when called there by Colonel Bigler.

5.Q. Will you give the date that you made the statement in the Legal Office?
A. I haven't kept very good tract of the date. The affair happened on 7 January, 1944. I called Lt. Comdr. Baldwin and he gave me a notice to serve to Lt. Comdr. Richards and told me to have him sign it and turn it in to the housing office. When I turned it in the next morning I was taken down to the Captain of the Yard's Office and the Captain told Baldwin and myself to go to the Legal Office.

6.Q. I hand you a paper, can you identify it?
A. Yes.

7.Q. This paper is what?
A. This is the statement I made in the Legal Office to Colonel Bigler.

8.Q. Refreshing your mind, would you say that this statement was made on 13 January, 1944?
A. Yes, I believe that is right.

9.Q. Will you state where you reside?
A. Number 10 Midway Drive, Makalapa Housing.

10.Q. Will you state what purpose you had in making this report?
A. As Senior Officer in charge of the house and being responsible for conduct in the house.

11.Q. What, specifically, was your reason for making this report
A. I felt it my duty in accordance with the rules and regulations of the Navy.

12.Q. Were there any incidents that led you to make this report?
A. First, when I went upstairs, as soon as I hit the top of the stairs I had a peculiar feeling that something wasn't right and in the kitchen I had overheard the conversation between Richards and the Marine Officer in regard to the invasion of Tarawa and the Marine Officer was saying that if it hadn't been for the Chief Petty Officers being there to lead their men they wouldn't have anyone in charge because all the Officers went into hiding as soon as they started shooting.

13. Q. Will you state whether you were at home on the evening of January 7, 1944?
A. Yes, I was there all evening and all night.

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14.Q. Did anything unusual occur on the evening in question?
A. Yes, Lt. Comdr. Tawes was telling me that the Marine Officer had on several occasions that evening played around with him in the region of his privates.

15.Q. Will you state in your own words just what took place?
A. When I was in the kitchen I heard someone come in the house. It sounded as if someone was going up the steps exceptionally quiet. It arroused my suspicion.

16.Q. Was it Lt. Comdr. Richards?
A. Yes, and Tawes told me that he had someone with him. In a little while I went upstairs to get some clothes as an excuse to see who it was with Richards and what was going on. When I got to the top of the stairs I entered the room they were in and got clear across the room before they noticed me. The Marine Officer had a couple of pistols in his hands and was looking them over. Richards noticed me then and started to make an introduction and told the Marine Officer that my name was Tawes. I asked him if he was drunk or something that he knew my name wasn't Tawes. Richards didn't mention the name of the Marine Officer at that time so I continued gathering my clothes and while doing so they proceeded down stairs.

17.Q. How long were you in the room with them?
A. Not more than five minutes.

18.Q. What did you do then?
A. I gathered up some shirts and since they were in the sitting room I went around through the maids quarters. The first thing that attracted my attention was the conversation as Richards, Tawes, and the Marine Officer were talking.

19.Q. How did you know they went downstairs?
A. I heard them going down the steps.

20.Q. What took place in the living room?
A. AS I said the first thing that attracted my attention was the conversation about the invasion but I didn't say anything. Later it started up again with Tawes, Richards and the Marine Officer. Finally I went in and told them I was the Senior Officer of the house and couldn't allow such conversation in the house and that they would have to discuss those things outside.

21.Q. At about what time was this?
A. I don't know exactly, but I believe it was between 7 and 8 o'clock.

22.Q. Did you tell them anything else?
A. Yes, I told them that I didn't approve of speaking of Senior Officers in a disrespectful language. Then the Marine Officer said that he hadn't intended to speak disrespectful and started following me. I told him that nevertheless there would be no more disprespectful conversation in this house. I also said that I wasn't going to argue about it, it was an order.

23.Q. Did this conversation between Lt. Comdr. Richards and D'Amico anger you?
A. Well, I just didn't like to hear conversation of this matter.

24.Q. Did you say it did or did not anger you?
A. No, it didn't exactly make me angry

25.Q. Did this conversation that you had with the Marine Officer make you hostile toward him?
A. No, it was a closed incident then. The only thing is that I was going to see that the order was carried out.

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26.Q. How did you know they were conversing on the sofa?
A. I could see the sofa. It is directly in line with the kitchen, therefore, all I had to do was glance in there an could see the men in question. I believe Tawes was on the right side near the radio and Richards on the other side of the marine officer.

27.Q. Did you hear any of their conversation at that time?
A. No, I did not hear any of their conversation when they were on the sofa. I could hear parts of it and at one time heard the marine officer explaining his name. He said his mother was part "Wop" and part French and that was how they got his name taking part of her French name and part of the "Wop."

28.Q. What did you understand him to say his name was?
A. Either Wilde, Wilder, or Wildo, or something like that.

29.Q. About how long were they sitting on the sofa?
A. In about ten minutes they went upstairs, what for I don't know. They left all the lights burning. I olked at my watch then to see how near it was to blackout time and it was ten minutes to ten. Possibly twenty minutes later Richards started to make up a bed in the maids quarters and I told him he couldn't do that, and that he knew the rules of the house and the man couldn't stay here tonight. I then told him to take those sheets back upstaris. He just looked and didn't say anything and took the sheets back upstairs. About fifteen or twenty minutes later Richards and the marine officer went out.

30.Q. What time would you say this was?
A. I would judge about 10:30 or quarter to eleven.

31.Q. Did I understand you to say that all three went upstairs?
A. Yes, Tawes went up first and then the other two went up.

32.Q. What followed then, if anything?
A. After Richards and the marine officer had left I went upstairs immediately to apologize to Commander Tawes for speaking as I had and that I had no feeling against them having company but that the rules were strict and I felt they should be carried out. Tawes then told me that the marine officer had been running his hand over his leg and on his privates such as slapping him on the leg and playing around between his legs near his crotch. Tawes said at first that he thought the mans nerves might be bad after being on the island so long but when he excused himself to go upstairs to go to bed and after he had his pajamas on he heard noise and looked around thinking it was me and then found the marine officer there. The marine officer started to mess around and Lieutenant Commander Richards and the officer both came over and sat down on the bed and the marine continued messing around until Tawes insisted that they leave.

33.Q. Now is there anymore you wish to add?
A. Yes, I stayed awake until Richards came back. He came back and went to bed. I didn't say anything until he got in bed. Then I asked him how long he had known this man. He said he had just met him that evening at the officer's club. I then told him what Tawes had told me and he said, "Maybe that explains some other things."

34.Q. Do you know what he meant by that statement?
A. No, I don't.

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36.Q. Did you see any misconduct on the part of Lt. D'Amico?
A. No.

37.Q. Did you hear anything to make you think there was some misconduct occuring?
A. Yes, but only what Lt. Comdr. Tawes related to me.

38.Q. Did you have reason to believe there was misconduct occurring prior to the time Comdr. Tawes related this incident to you?
A. No. The only thing I objected to was that Richards was going to keep him there for the night.

39.Q. In this statement you made before Colonel Bigler in the Legal Office, you were asked if there was anything you had observed in Richards actions to lead you to believe anything was wrong, homosexually that is, with Richards? Your answer was no. Once before you said when you got to the top of the stairs you had a feeling something wasn't right. Can you explain the discrepancy between those two answers?
A. I have never known anything of that nature about Richards, or had reason to suspect it.

40.Q. Could you definitely say that Commander Richards was of a homosexual nature?
A. No, I have never had reason to believe so.

41.Q. Now, going back to the sitting room, Commander Richards, Lieutenant D'Amico and Commander Tawes were sitting on the sofa. How many chairs were in that room?
A. There was the long divan like chair and two easy chairs and also six dining room chairs.

42.Q. Has it been the custom in your house for three or more to sit on the couch at a time?
A. No.

43.Q. Did that arrouse your suspicion?
A. No, it didn't. I really wasn't paying any attention to them but usually we don't have that many sitting on the sofa at once.

44.Q. Did you resent Richards bringing this guest into the house.
A. No.

45.Q. What is your personal feeling towards Commander Richards?
A. We have gotten along alright in the house. Very well, in fact. I do ride him quite a bit about tidiness. He takes it good naturedly though. I just see that he cleans the dishes up.

46.Q. Did you take a dislike to D'Amico when he came in?
A. No, but as I said, I had a peculiar feeling when I went up the stairs that something was wrong.

47.Q. Can you explain what gave you that feeling?
A. No, I can't. A few minutes later I dismissed that feeling altogether.

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48.Q. At what time did Richards and Lieutenant D'Amico arrive at your house?
A. It was between seven and eight o'clock.

49.Q. When Richards made this error in introducing you to D'Amico did you say to Richards that he was drunk as hell?
A. Yes, but I said it more as a habit of mine than anything else.

50.Q. Did you hear D'Amico make any statements concerning his present duties.
A. No, except indirectly they were talking about souvenirs and D'Amico told them to come down to the marine brig and he would give them some Japanese ears for souvenirs.

51.Q. Did you hear D'Amico say he was in charge of the brig?
A. No.

52.Q. Did you hear him state that he was in the battle of Tarawa?
A. Yes.

53.Q. Did you hear him say he had been down to Guadalcanal?
A. Yes, they were speaking about the invasion of Tarawa and I wasn't in there. I just heard a word every once in a while. D'Amico was talking about the invasion of Tarawa and said that about the navy officers throwing up their hands and the chief petty officers taking over.

54.Q. Did you hear him say that he was in charge of the Yard Police? Or any police?
A. No.

55.Q. Did you hear him say that he had a toe shot off in battle?
A. No, all I heard about that was when Richards and Tawes were talking about it but not from D'Amico.

56.Q. Was anyone drinking that night?
A. The three had a couple of drinks but weren't intoxicated.

57.Q. Did anything else happen after Richards came back home?
A. Yes, after he got back in bed I told him he should apologize to Tawes. He said that he didn't know there was anything to apologize for.

58.Q. Before Commander Richards, Commander Tawes and Lieutenant D'Amico took a drink in your home at 10 Midway Drive, Makalapa Housing had they been drinking elsewhere?
A. I couldn't say. Tawes had not because he had been there during the evening with me and there was no sign that the others had been drinking.

59.Q. Have you been on the Makalapa pistol range lately?
A. Yes, I asked the boys out there about this marine officer.

60.Q. What boys are you refering to?
A. The marines that were stationed on the range.

61.Q. Do you mean the instructors?
A. Yes, one of them told me that he had never heard of Wilde, Wilder, or Wildo, or anything like that. But a marine officer acted queer out there.

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62.Q. Had you identified D'Amico yet?
A. Yes.

63.Q. What lead you to believe that this was the same person?
A. I had nothing to give me that impression.

64.Q. You are not certain that when the marine stationed at the Makalapa pistol range said that there was a marine officer with questionable character that he meant D'Amico?
A. No, it could have been any marine officer.

65.Q. In your testimony I understand that you saw no misconduct on the part of Lieutenant Commander Richards when he and D'Amico were together.
A. No.

66.Q. Therefore, am I to conclude that you made this report only from what you have heard?
A. That is correct. I considered the incident closed until different things had been said outside and felt then it was my duty to report it.

67.Q. Will you state what you mean by "Different things outside?"
A. I myself mentioned it a couple of times in the office and Lieutenant Commander Tawes spoke about it in his office and I realized that it would have been better if we hadn't said anything about it at all.

68.Q. Can you recall just what you said about this marine officer?
A. Yes, I said I wasn't going to have any dealings with any queer guys around my house, but I had no right to call the man a queer as it was purely hearsay on my part.

69.Q. Do you recall what Commander Tawes said about this matter?
A. He said he thought the man was queer.

70.Q. After observing D'Amico's actions around your quarters that evening would you say that he was "queer" or homosexually inclined?
A. I didn't see enough of him to say.

71.Q. Can you think of anything else that might be helpful in clearing up this matter.
A. No sir.

Declassified Authority: NND 868091

Enclosure (D) Statement of Lynn G. Richards, Lieutenant Commander, U.S. Navy.

Declassified Authority: NND 868091

Confidential

QUESTIONING OF LT. COMDR. LYNN G. RICHARDS, U.S.N.
by
MAJOR, F.H. KRUG, U.S.M.C.R.

1.Q. Will you state your name, rank, and present station?
A. Lt. Comdr., Lynn G. Richards, USN, Ass't Yard Superintendent, Industrial Dep't, Navy Yard.

2.Q. Are you the Lt. Comdr.,Richards who made a statement in the presence of Colonel Bigler at the Legal Office in the Navy Yard, P.H., which involved a Lieutenant D'Amico?
A. I made a statement about a lieutenant who gave the name of Wilde.

3.Q. At that time did you make a statement regarding this officer known to you as Wilde?
A. Yes.

4.Q. Do you remember the date of the statement?
A. I am not sure, I think it was 13 January 1944.

5.Q. I give you a piece of paper. Can you identify that paper?
A. I have never seen the paper before.

6.Q. Can you identify the printed matter on it?
A. That is the statement that I gave in the legal office on 13 January, 1944, but I had not seen a copy of it before.

7.Q. Where do you reside?
A. I have been assigned to temporary quarters at 119 17th St., Naval Housing.

8.Q. Where did you reside on 7 January 1944?
A. Number 10 Midway Drive, Makalapa Housing.

9.Q. Were you in the Navy Yard Officer's Club on January 7, 1944?
A. Yes, but I don't remember when I arrived but believe it was 4:30 or 5:30 p.m.

10.Q.Do you recall meeting anyone there?
A.I saw several officers that I knew before but cannot recall which ones.

11.Q. Did you meet a marine officer there?
A. Yes, I met a marine officer out near the piano after the bar had closed and a group of officers were gathered around the piano.

12.Q. Did you have a drink with this officer?
A. Not at the club.

13.Q. Did this officer give you his name?
A. I don't remember whether he mentioned it then or not. Later when I came to introduce him to my roommates I was at a loss for the name but it was Wildes or something similar.

14.Q. Did you later identify this man?
A. I saw this man a week ago last Sunday at the club about 5:30 at the bar. He spoke to me, mentioned the name Wilde again and asked me if I didn't remember him and I told him that I did. Then at the first opportunity I went out to the telephone and called Colonel Bigler's office and told the officer on watch that the marine officer which Colonel Bigler wanted identified was there and that I could point him out.

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The man in the office apparently didn't know anything about the case but evidently contacted Col. Bigler and came over to the club and I pointed the marine officer out to him and D'Amico still repeated several times as though he were trying to make it sink in that his name was Wildes in the presence of Lt. Col. Bigler's representative. Following the departure of the officer from the legal office that evening Wildes invited me to come with him for a drink at his quarters. We came over here to building 202 or 204, I am pretty certain it was building 204. He introduced me to another officer there whose name I recongnized on the list assigned to the quarters where we were. I believe it was two days later the officer was brought in and the first thing that I asked him was who the officer was that introduced him to me Sunday night. The officer told me it was D'Amico.

15.Q. Was that Lieutenant Pflepsen?
A. Yes.

16.Q. Are you satisfied in your own mind that D'Amico and Wildes are one and the same person?
A. I am satisfied that the man that introduced me to Lt. Pflepsen is Wildes. Pflepsen told me it was D'Amico and that is all I know. I would rather say it was D'Amico than bring Pflepsen further into this.

Lt. D'Amico was then called in to be identified by Richars and was found to be the officer known to Richards as Wildes. As a further means of identification the Adjutant of the Marine Barracks at which Lt. D'Amico was stationed was called in and identified the Lieutenant as D'Amico.

17.Q. Are you satisfied that the man known to you as Wildes is properly known as D'Amico?
A. Yes

18.Q. You are not sure that D'Amico did say his name was Wildes?
A. I couldn't swear that he came out and said "My name is Wildes". He did repeat it several times last Sunday night whether he mentioned it before I don't remember. I was already suspicious that there wasn't such a name as Wildes, or similar to that, since I had looked on the ration cards at the officer's club.

19.Q. You met D'Amico in the club as you have stated. Will you tell me what happened then that day?
A. The lights were turned out then.

20.Q. What time was this?
A. Around seven in the evening. We started to cross the road and I was thinking that he would head up towards the Marine Barracks so I started to walk in the direction figuring to pass by the main gate but he cut down the road towards the Navy Landing which was shorter for me so I walked down that way and all along the line when I would come to a place where I was wondering where he would go he took the road I would have normally taken. We got to talking about it being Russian Christmas. He said something about when he was a child he remembered a lot of times there wasn't any snow on our Christmas but there was always snow for Russian or Serbian Christmas. I then invited him to come out to the house and have a drink for some sort of celebration. We got out there and immediately went upstairs for some whiskey and there happened to be a pair of my pistols in the same box with the whiskey.

21.Q. Do you recall about what time you got to the quarters?
A. I believe thirty minutes after we left the club but we didn't take any detours. I think we did arrive about 8:00 that evening.

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22.Q. When yo entered the house was the anyone there?
A. Not that I noticed, we went directly upstairs and there was no one up there but I think that both Tawes and Grier were downstairs but I am not sure. I opened up my box, unloaded the pistols to show them to the officer. I was showing him these pistols when Grier came in. There was sort of a tension at this time and I tried to perform the introductions and when I said Wildes it seemed to fit in alright and then on the other side I got mixed up and introduced Grier as Tawes. When I noticed it I corrected the mistake. Then rather as though we were retreating from that tension which I felt we went downstairs into the kitchen, mixed a drink and took it out in the living room where there was a settee near the radio and I introduced D'Amico to Tawes as Wildes and he made no objection. I suggested that we finish that one drink and wanted to go someplace else since Grier seemed aggraveted but D'Amico sat down and made himself comfortable. We started talking and Lt.Comdr. Tawes became very interested. They were calling each other "pop" and "son".

23.Q. Will you state where you sat down?
A. I didn't sit down with them right at first. Tawes was sitting by the radio and there was a coffee table in front of the divan. Wildes sat down about in the middle of the divan alongside of Tawes and when they finally discouraged me about hurrying on at least temporarily, I sat down on the other end of the divan.

24.Q. Were there any other chairs in the room?
A. Yes.

25.Q. Was there any reason why three persons would set on one sofa?
A. Only that the coffee table was there and it seemed more convenient for that reason. We talked and even stood up and got to wondering around a little once or twice. I remember at one point D'Amico was telling about the landing at Tarawa and expressing the belief that the navy chiefs has the situation sized up better than the officer personnel in command of the operation and he was all for it.

26.Q. Did he say "officer personnel" or what?
A. No he said "brass hats" or something similar. I didn't consider it particularly important but Grier heard it from the back room and came out and objected, I don't remember his grounds just now, then Grier went back to the wash room. I think he was ironing clothes.

27.Q. How long were you three in the sitting room?
A. It must have been nearly two hours.

28.Q. Did you notice anything peculiar going on during that time?
A. I noticed nothing except the suddenness that Tawes decided to go to bed.

29.Q. In the statement of Comdr. Tawes regard to this playing around with his legs and privates by D'Amico, did you notice that going on at all?
A. No.

30.Q. What did you notice D'Amico doing?
A. Perhaps putting his arm around Tawes shoulders as you might expect any man that has run across somebody that seems to have some of the characteristics of a brother or a father. It seemed more like good fellow-ship to me than anything else.

31.Q. And at no time did you see D'Amico pass his hands over Tawes legs or privates?
A. If there was anything like that it would seem to me that it would occur at a time when I would be looking some other way.

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He would have had plenty of chance when we were alone if there was anything wrong with him. Later on he would have had plenty of time when I was trying to get him to go home if there had been anything wrong and that he did not do.

32.Q. Did you know charges had been made against you?
A. I suspected it but wasn't sure.

33.Q Did you have any idea why you received orders to move?
A. No I didn't receive any explanation until yesterday and I felt that if I had been charged with irregularities I should be told so.

34.Q. You stated that you did not see anything out of the way in D'Amico's actions at the time you were downstairs. Is that correct?
A. That is right.

35.Q. You are certain about that?
A. I am sure that I noticed nothing out of the way. D'Amico didn't make any gestures of a lascivious nature that I know of.

36.Q. You had a few drinks downstairs and then what happened?
A. After Tawes went upstairs D'Amico said he wanted to say goodnight to "pop" once more and I believe he caught Tawes just as he was leaving the bathroom.

37.Q. Did you see D'Amico place his face to Tawes' face?
A. If I had seen him do that I wouldn't remember it anyway as I suspected nothing. After that Tawes went into his room, I believe but am not sure, then D'Amico went on in with him and I stood near the door for a while. D'Amico sat on the bed and I started down the steps and Tawes shouted something to the effect that he wanted me to get the Marine Officer out of there. I came back once more and asked D'Amico to come along with me. I came back and sat on the foot of the bunk and I believe that my hand was on D'Amico's arm or shoulder to try to persuade him to come on with me.

38.Q. Am I to understand that you and D'Amico were sitting on Tawes bunk?
A. I am not sure whether D'Amico sat on the bunk or a chair alongside of him.

39.Q. Did you see D'Amico rub his hands along Tawes body at all?
A. In the first place it was rather dark and if he had of I would have thought of it as if D'Amico were just putting his hand on the bunk.

40.Q. If you had seen anything like that would you have suspicioned something was wrong with D'Amico?
A. Yes, but since he hadn't tried anything on me I wasn't suspicious.

41.Q. Did you at anytime invite D'Amico to spend the night at your quarters?
A. Tawes suggested that there was room for him and then one time as I remember it Tawes said something about me going ahead and fixing him up with the spare room. I believe that was before Tawes was going up to go to bed. I went and broke out some sheets and started to spread them on the bunk in the spare room and Grier came out and said that I couldn't do that and said there were rules against doing that. I know of no such rules. I know there is such a regulation concerning women not being in the houses between 2200 and 0730. I knew of none concerning guests other than women but nevertheless didn't argue the point so put the sheets away.

42.Q. Who made the first suggestion that D'Amico spend the night there?

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A. I don't remember, the point had been brought up that there was a spare room by someone.

43.Q. Did D'Amico at any time say where he lived?
A. He had spoken something about living in a tent out near Camp Catlin. But after we had gotten down to the submarine base gate I thought I would turn back and let him go ahead home. I asked him if he knew his way from this point and he said yes that he did but wanted to go back and say goodnight to "pop" once more. I didn't want to disturb Grier or cause any friction but he didn't go home then so I cut on down into Navy Housing. I said something about going to see someone else that I knew around there and started to walk but he didn't want to go that way and treatened to hail a jeep and have me thrown in the brig. We walked out towards the cantonment and he said he was in charge of the cantonment police. We got over opposite tent city and I tried to leave him and then he raised the objection that he had lived there but didn't live there anymore. He said he could find his way home from my place so he hailed a passing car. The people in the car said they were going to Pearl City so I said "Let's get in". I wanted to see if he knew where to get off. He talked about how he was in charge of sentries and said he knew these marines and that they would shoot and then ask questions. I finally suggested we get off. We did and D'Amico asked which way was my place. I told him that it was back the way we had come and that we had already passed it. Then we started walking back and he still talked about how all the sentries were under him and another car passed and he hailed them and they were going to the main gate so we piled in and went back the same way we had come from.

44.Q. Did D'Amico seem anxious to go back to your quarters?
A. Yes, he said he wanted to say goodnight once more to "pop". When this car gave us a lift we got off near the fire station on Kamehameha Highway then we started walking down center drive. I told him how far it was to the main gate and he again asked how far it was to my place. I told him that we were going in the wrong direction so he insisted on turning around and we then walked part way to the pistol range and he wanted to turn in at some house which he thought to be my quarters. I didn't tell him which place it was because I didn't want to disturn the others.

45.Q. What sort of a feeling did you think D'Amico had for Tawes?
A. More of a filial feeling, sort of homesickness for anything like a father and partially sort of a jag. I didn't want anymore trouble with him and Grier and finally talked him into leaving me at the sub-base gate and my returning to the house. When I returned to the house Comdr. Grier told me that Tawes had expressed at least a suspicion that D'Amico was "queer" and he also asked me where I had met D'Amico and I told him. I went to bed and the next morning Tawes said something about thinking D'Amico and I were old friends and that he guessed it was just one of those things that nothing could be done about.

46.Q. I believe you stated that you invited him to go to your home. What was the purpose of that invitation?
A. Merely that we had found a common ground for friendship in regard to the celebration of Russian and Orthodox Christmas and that we were going to drink to celebrate the holiday.

47.Q. Did you have any suspicion that D'Amico was of a homosexual nature?
A. Not until Grier mentioned what Tawes had told him after I had left that evening.

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48.Q. Did he give you any reason to think anything at all in this nature?
A. After Comdr. Grier mentioned it I did think of the time we were walking and he happened to walk a little ahead of me and his hand in swinging touched mine but that would likely happen to anyone.

49.Q. Did you think he was queer at anytime?
A. No, I didn't

50.Q. Did you attempt to find him again?
A. No, I had no intention of trying to find him again until after I had contacted Lt. Col. Bigler at the legal office.

51.Q. You stated that when you entered the house on January 7, 1944, that you went directly upstairs. What reason did you have for this?
A. I wanted to get some liquor.

52.Q. Didn't you have a bottle of liquor downstairs?
A. No, I didn't have any liquor downstairs at all at that time. There were several empty but none of them were full.

53.Q. Had you been drinking that evening?
A. Yes.

54.Q. Would you care to say how much you had been drinking?
A. At the club between 4:30 and closing time I normally put away three or four beers and maybe four whiskies. I had one more at home.

55.Q. Did you see D'Amico drink any at the club?
A. No, I didn't but he drank maybe three or four drinks at my quarters. I would say for sure more than two.

56.Q. Are you certain that D'Amico never made advances in a lascivious manner towards you?
A. He never made any that I noticed.

57.Q. If D'Amico made a statement that he did, what would be your reaction?
A. It would be that I didn't notice it. If it wasn't very clear it might roll off me like water off a ducks back. I think he did say something about being rock happy but to me that meant he had just been stuck on an island too long. I didn't take it to mean anything else.

58.Q. If Lt. D'Amico made a statement that you had made approaches toward him in a lascivious manner how would you interpret the statement?
A. I would deny the intent and state that his interpretation was wrong unless it was something definite enough that I could out and out deny the whole thing.

59.Q. Did D'Amico say he had been in the battle of Tarawa?
A. Yes.

60.Q. Did he say he was in Guadalcanal?
A. Yes.

61.Q. Did he say he was in charge of the Japanese prisoners at this barracks?
A. Yes, or something about having a lot to do with them. About how he had taught them to say "head" when they had to go to the head.

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62.Q. Did you state that you met D'Amico again on 15 January, 1944 at the officer's club?
A. No, I saw him at the club and he recognized me.

63.Q. Was this after you had been to the legal office?
A. Yes, and after I saw him again at the club I called the legal office.

64.Q. Why did you go over to his quarters that day?
A. In order to find out where he lived.

65.Q. Can you think of anything in addition to what you have said that you care to mention?
A. No sir, I think that about takes everything in.

Declassified Authority: NND 868091

Enclosure (E) Statement of Philip Cohen, Second Lieutenant, U.S. Marine Corps Reserve.

Declassified Authority: NND 868091

Confidential

Statement by Philip Cohen, Second Lieutenant, U.S. Marine Corps Reserve, made to Foster H. Krug, Major, U.S. Marine Corps Reserve.

1.Q. Will you state your name, rank, and present station?
A. Philip Cohen, Second Lieutenant, USMCR, Co. "D", Marine Barracks, Navy Yard, Pearl Harbor, T.H.

2.Q. Where do you reside at present?
A. At quarters M-4, Marine Barracks, Navy Yard.

3.Q. Do you know Lt. James J. D'Amico?
A. Yes sir.

4.Q. How long have you known him?
A. Approximately one year.

5.Q. Is he now stationed at the same Marine Barracks as you are?
A. Yes sir.

6.Q. Therefore, you are doing duty as a shipmate?
A. Yes sir.

7.Q. Will you state everything good or bad that you know about Lt. D'Amico?
A. I have been with him almost continuously. We were in the same platoon in boot camp, same platoon at Officer Candidate Class, and the Reserve Officer's Course at Quantico and also at San Diego. Of course while living in San Diego he lived at the Bachelor Officer's Quarters and I lived with my wife. He was always going out with the girls around San Diego and it was said by friends that he always had a good time just as any normal officer candidate would have done. At Quantico I know he and other fellows went to Washington on several occasions and raised a lot of hell with girls as the rest of them were doing. At no time did anyone there mention that there was anything suspicious about D'Amico or that he was abnormal. He seemed to be always in pretty close contact with women, from what I could gather. In doing duty at San Diego at Recruit Depot he was technically known as one of the wolves of the officer's club and he palled around with several of the officers and again I heard no remarks of a derogatory nature. I know that he indulged in athletics in high school and again in college and participated somewhat in athletics in San Diego. On numerous occasions I have heard him make dates with girls over the telephone in San Diego. He had quite a few friends but on the other side several people that he didn't get along with so well because he was of a belligerent nature. He was too free in openly expressing his viewpoints. He was never very tactful but never held a grudge against anyone, that I know of. He has been a good average officer to my knowledge and I have always gotten along with him.

8.Q. To your knowledge did he have a general reputation of being of a homosexual nature?
A. No, there was never anything of that nature implied.

9.Q. Would you care to add anything to this statement that you have made?
A. No sir, I believe that covers about everything.

Enclosure (E)

Declassified Authority: NND 868091

Enclosure (F) Statement of Lloyd H. Peterson, Second Lieutenant, U.S. Marine Corps Reserve.

Declassified Authority: NND 868091

Confidential

Statement by Lloyd H. Peterson, Second Lieutenant, U.S. Marine Corps Reserve made to Foster H. Krug, Major, U.S. Marine Corps Reserve.

1.Q. Will you state your name, rank, and present station?
A. Lloyd H. Peterson, Second Lieutenant, USMCR, Co. "C", Marine Barracks, Navy Yard, Pearl Harbor, T.H.

2.Q. Where do you reside at present?
A. Quarters M-5, these barracks.

3.Q. In these quarters is anyone else occupying the house on the ground floor?
A. Yes, Lt. D'Amico.

4.Q. Will you describe the quarters that you have there?
A. There are two large rooms on the ground floor which appear to be a dining room and a living room and there is a large double doorway between the two rooms with no door on it.

5.Q. In other words it is more or less in the open, is that right?
A. Yes sir.

6.Q. For how long have you occupied those quarters?
A. Since December 16, 1943.

7.Q. How long has D'Amico occupied those quarters?
A. I believe since December 20, 1943.

8.Q. You have both occupied those quarters continuously up until this time?
A. Yes sir.

9.Q. In living in the quarters with Lt. D'Amico you have seen quite a bit of him. Is that correct?
A. I have seen him every day and every night practically.

10.Q. You have been somewhat closely associated with him?
A. Yes sir, I have.

11.Q. Have you during that time ever noticed anything that might lead you to suspect that Lt. D'Amico had any homosexual tendencies?
A. I have observed absolutely nothing in that respect.

12.Q. Did you ever hear anyone say anything in this respect about him until this present case?
A. No sir, I haven't.

13.Q. Do you know his general reputation and his general character with his shipmates?
A. Yes sir, but only since I have been in this barracks.

14.Q. Will you describe that character and what that reputation is among his shipmates?
A. I would say his character and his reputation among his shipmates to be very good. I serve as a junior officer of that company and we officers get along fine together. Lt. D'Amico seems to be a good leader of men and appears to be a

Enclosure (F)

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fine officer in every way since I have been his shipmate.

15.Q. Is there anything else you would care to add that might be helpful for or against Lt. D'Amico?
A. No sir.

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JAN 25 1944

Conclusions: This man's history is that of an energetic, active individual whose interests sexually have been entirely with the opposite sex. His physical stature is masculine and there is nothing in his history or personal examination to suggest homosexual trends. As he describes the incidents he was offensively aggressive toward Lt. Comdr Greer and may have been offensively friendly toward Lt. Comdr Tawes. The medical evidence would suggest the unlikelihood rather than the likelihood of any homosexual inclination. This man, therefore, falls clearly into Class 1 and the question of pressing charges against him is a legal, rather than a medical one depending upon the weight of the evidence against him.

J.R. Jacobson

J.R. Jacobson, Lt. Comdr- MC-USNR.
Neuropsychiatrist, Marine Barracks Dispensary.

Confidential

Declassified Authority: NND 868091

JAN 25 1944

FROM: The Neuropsychiatrist.
TO: The Commanding Officer, Marine Barracks.
RE: Psychiatric Examination D'Amico, J.J. , 2nd Lt. MCR.

This marine officer is 30 years of age. His mother is 65 years of age and in good health. His father died at 53 of cirrhosis of the liver. He drank wine, but never became noticeably intoxicated. He has one brother and two sisters living, all in good health. No member of the family has had nervous or mental disorder.

He completed his collegiate work at 23 years of age and majored in social sciences and a minor in biological sciences. He received an A.B degree from the University of Pittsburgh in 1936. After he completed his school work he worked irregularly as a fireman on a locomotive and irregularly as a substitute teacher and continued to take work at the university working toward an M.A degree.

He experienced his first sexual experience with the opposite sex when 12 years of age with a girl 10. Since then he has had innumerable heterosexual contacts. He was engaged to one girl whom he hoped to marry, but they became estranged. She is now married to another man.

He first masturbated at 12 years of age and he has occasionally masturbated since. He has frequented houses of prostitution at times. His only interest has been with women. He has never experienced any desire for men and on one occasion when he was approached in a theatre by another man who wished to practice fellatio he threatened bodily harm if the other man did not leave him alone.

As he describes the experiences which resulted in the present charges Lt. Comdr Greer did not appear to like him when he first met him. He showed in his attitude and manner that he did not want him around. D'Amico reacted to this hostility by becoming hostile in turn. He does not think he was drunk, but he did have some drinks and he was boastful, talkative and aggressive in his manner. He was especially friendly to Lt. Comdr Tawes who was friendly and courteous toward him not only because he reacted to the other's pleasantness but because he wished to irritate Lt. Comdr Greer.

In the course of his friendliness to Lt. Comdr Tawes whom he called "Pop", he did place his hand on the other man's thigh. He may have brushed the otherman's face, certainly not with amorous intent and he sat on the bed with Lt. Comdr Richards and does not remember any acts which he may have been guilty of which could be interpreted as homosexual. He does remember that Tawes became irritated and that when he realized he was getting on Tawes's nerves he realized he had better be going.

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